



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,350	02/05/2001	Robert A. Veschi	PA1479US	5175

42624 7590 10/12/2006

DAVIDSON BERQUIST JACKSON & GOWDEY LLP  
4300 WILSON BLVD., 7TH FLOOR  
ARLINGTON, VA 22203

EXAMINER

PHAM, TUAN

ART UNIT PAPER NUMBER

2618

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/777,350

Applicant(s)

VESCHI, ROBERT A.

Examiner

TUAN A. PHAM

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 21-26 and 28-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-26, 28-35 and 37-40 is/are rejected.
- 7) ☒ Claim(s) 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 21-26, and 28-40 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 25, 28-29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US Patent No.: 6,480,581, hereinafter, "Wu") in view of Smith et al. (U.S. Patent No.: 6,480,581, hereinafter, "Smith").**

**Regarding claim 25**, Wu teaches a method, comprising:

detecting, in an audio signal in an Internet telephony device (see figure 1, Internet telephone adapter device 11a, a multi-frequency ring signal (DTMF signal, col.4, ln.52-54), said multi-frequency ring signal being indicative of and corresponding to an incoming call in an audio input signal in an Internet telephony device (see col.4, ln.1-67).

It should be noticed that Wu fails to teach automatically sending an output signal to a first output device distinct from a second output device when said multi-frequency ring signal corresponding to an incoming call is detected, and otherwise sending said

Art Unit: 2618

audio input signal to said second output device. However, Smith teaches automatically sending an output signal to a first output device (see figure 1, telephone 13) distinct from a second output device (see figure 1, PC 15a) when said multi-frequency ring signal corresponding to an incoming call is detected (see figure 1, figure 2, col.7, ln.1-35, the processor 48 will detect the type of incoming call, if it is a voice call then the processor 48 will route the call to the telephone 13. If the incoming call is data call then the processor 48 will route it to the PC 15a), and otherwise sending said audio input signal to said second output device (If the incoming call is data call then processor 48 will route it to the PC 15a).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Smith into view of Wu in order to automatically determine the communication type of an incoming call as suggested by Wu at col.1, ln.65-68, col.2, ln.1-2.

**Regarding claim 28**, Wu further teaches the method wherein the signal corresponding to an incoming call is packet (see col.4, ln.20).

**Regarding claim 29**, Wu further teaches the method wherein the output signal is a tone signal (see col.2, ln.52-55).

**Regarding claim 31**, Wu teaches an Internet telephony device, comprising:  
an input device constructed and adapted to receive an audio input signal (see figure 1, figure 2, Internet telephone adapter 11a, RJ 11 207 for receiving the input audio, col.3, ln.50-60) and

the circuitry constructed and adapted to analyze said audio input signal (see figure 2, col.3, ln.43-67), wherein said circuitry is constructed and adapted to detect in said audio input signal a multi-frequency signal indicative of an incoming call (see figure 1, figure 2, col.4, ln.1-67, DTMF).

It should be noticed that Wu fails to teach a first output device and a second output device distinct from the first output device, and selecting and automatically sending an output signal to a first output device distinct from a second output device when said multi-frequency ring signal corresponding to an incoming call is detected, and otherwise sending said audio input signal to said second output device. However, Smith teaches a first output device (see figure 1, telephone 13) and a second output device (see figure 1, PC 15a) distinct from the first output device, and selecting and automatically sending an output signal to a first output device (see figure 1, telephone 13) distinct from a second output device (see figure 1, PC 15a) when said multi-frequency ring signal corresponding to an incoming call is detected (see figure 1, figure 2, col.7, ln.1-35, the processor 48 will detect the type of incoming call, if it is a voice call then the processor 48 will route the call to the telephone 13. If the incoming call is data call then the processor 48 will route it to the PC 15a), and otherwise sending said audio input signal to said second output device (If the incoming call is data call then processor 48 will route it to the PC 15a).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Smith into view of Wu in

order to automatically determine the communication type of an incoming call as suggested by Wu at col.1, ln.65-68, col.2, ln.1-2.

**4. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US Patent No.: 6,480,581, hereinafter, "Wu") in view of Smith et al. (U.S. Patent No.: 6,480,581, hereinafter, "Smith") as applied to claim 25 above, and further in view of Greaves (U.S. Patent No.: 5,408,529).**

Regarding claim 26, Wu and Smith, in combination, fails to teach the multi-frequency ring signal comprises the range 520 Hz and 3250 Hz signals. However, Greaves teaches the frequency ranges from 697 Hz to 1633 Hz, one ordinary skill in the art should recognize that by changing the value of the frequency ranges as claimed would not involve any inventive feature, since it is just a matter of selecting the value of the frequency ranges in order to meet the filtering characteristic of the particular frequency band.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Greaves, into view of Wu and Smith in order to avoid the problem of speech interference as suggested by Greaves at column 1, lines 60-65.

5. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US Patent No.: 6,480,581, hereinafter, "Wu") in view of Smith et al. (U.S. Patent No.: 6,480,581, hereinafter, "Smith") as applied to claim 25 above, and further in view of Moganti (U.S. Patent No.: 6,229,878).

Regarding claim 30, Wu and Smith, in combination, fails to clearly teach the method wherein the output signal is an announcement. However, Moganti teaches such features (see col.3, ln.10-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Moganti, into view of Wu and Smith in order to notify the user that he/she has the incoming calls.

6. Claims 21-22, 24, 32-33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US Patent No.: 6,480,581, hereinafter, "Wu") in view of Greaves (U.S. Patent No.: 5,408,529) and further in view of Smith et al. (U.S. Patent No.: 6,480,581, hereinafter, "Smith").

Regarding claims 21 and 24, Wu teaches a circuit for automatically notifying a user of an Internet telephony device (see figure 1, Internet telephone adapter 11a) of an incoming telephone call based on the presence of a plurality of certain frequencies indicative of a multi-frequency ring signal in an audio signal (DTMF signal, col.4, ln.52-54).

It should be noticed that Wu fails to teach a plurality of frequency filters (i.e., band pass filter), one for each of said plurality of certain frequencies, and each filter

constructed and adapted to detect a different one of the plurality of certain frequencies, a plurality of switches, one for each of said plurality of frequency filters, each connected to a different one of said plurality of frequency filters. However, Greaves teaches such features (see figure 9, BPF 210, 211, switches 232, 230, 240, 242, col.12, ln.1-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Greaves, into view of Wu in order to avoid the problem of speech interference as suggested by Greaves at column 1, lines 60-65.

Wu and Greaves, in combination, fails to teaches a device including a first output device and a second output device distinct from the first output device, and selecting and automatically sending an output signal to a first output device distinct from a second output device when said multi-frequency ring signal corresponding to an incoming call is detected, and otherwise sending said audio input signal to said second output device. However, Smith teaches a device including a first output device (see figure 1, telephone 13) and a second output device (see figure 1, PC 15a) distinct from the first output device, and selecting and automatically sending an output signal to a first output device (see figure 1, telephone 13) distinct from a second output device (see figure 1, PC 15a) when said multi-frequency ring signal corresponding to an incoming call is detected (see figure 1, figure 2, col.7, ln.1-35, the processor 48 will detect the type of incoming call, if it is a voice call then the processor 48 will route the call to the telephone 13. If the incoming call is data call then the processor 48 will route it to the PC 15a), and



otherwise sending said audio input signal to said second output device (If the incoming call is data call then processor 48 will route it to the PC 15a).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Smith into view of Wu and Greaves in order to automatically determine the communication type of an incoming call as suggested by Wu at col.1, ln.65-68, col.2, ln.1-2.

**Regarding claim 22**, Greaves further teaches the circuit wherein the one or more plurality of frequency filters are comprises bandpass band pass filters (see figure 9, BPF 210, 211, switches 232, 230, 240, 242, col.12, ln.1-67).

**Regarding claim 32**, Greaves further teaches plurality of switches are connected in series (see figure 9, switch 230 is closed at 221, switch is closed at 221).

**Regarding claim 33**, Greaves fails to teach the multi-frequency ring signal comprises the range 520 Hz and 3250 Hz signals. However, Greaves teaches the frequency ranges from 697 Hz to 1633 Hz, one ordinary skill in the art should recognize that by changing the value of the frequency ranges as claimed would not involve any inventive feature, since it is just a matter of selecting the value of the frequency ranges in order to meet the filtering characteristic of the particular frequency band.

**Regarding claim 35**, Greaves further teaches said step of detecting comprises: detecting the presence of at least two distinct simultaneous frequencies for a duration indicative of said ring signal (see figure 4).

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US Patent No.: 6,480,581, hereinafter, "Wu") in view of Greaves (U.S. Patent No.: 5,408,529) and further in view of Smith et al. (U.S. Patent No.: 6,480,581, hereinafter, "Smith") as applied to claim 1 above, and further in view of Hanson (U.S. Patent No.: 4,227,055).

Regarding claim 23, Wu, Greaves, and Smith, in combination, fails to teach one or more a plurality of capacitors, one for each of said plurality of frequency filters, for filtering noise in said audio input signal to prevent false detects of incoming telephone calls. However, Hanson teaches such features (see figure 2, filter 202-1, capacitor 205-1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hanson, into view of Wu, Greaves, and Smith avoid the problem of speech interference as suggested by Greaves at column 1, lines 60-65.

8. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US Patent No.: 6,480,581, hereinafter, "Wu") in view of Greaves (U.S. Patent No.: 5,408,529) and further in view of Smith et al. (U.S. Patent No.: 6,480,581, hereinafter, "Smith") as applied to claim 24 above, and further in view of Moganti (U.S. Patent No.: 6,229,878).

**Regarding claim 34**, Wu, Greaves, and Smith, in combination, fails to clearly teach the method wherein the output signal is an announcement. However, Moganti teaches such features (see col.3, ln.10-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Moganti, into view of Wu, Greaves, and Smith in order to notify the user that he/she has the incoming calls.

**9. Claims 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US Patent No.: 6,480,581, hereinafter, "Wu") in view of Greaves (U.S. Patent No.: 5,408,529) and further in view of Smith et al. (U.S. Patent No.: 6,480,581, hereinafter, "Smith") as applied to claim 1 above, and further in view of Brown (US Patent No.: 5,822,406).**

**Regarding claims 37-38**, Wu, Greaves, and Smith, in combination, fails to teach the first output device is a speaker and the second output device is a headset. However, Brown teaches (see figure 2, 3, 14, SPK/HS\*, relay 216, speaker 220, headset 223, col.4, ln.21-40, col.6, ln.3-19, col.7, ln.35-52, col.11, ln.12-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Brown into view of Wu, Greaves, and Smith in order to select a different modes according to the personal preferences of individual users as suggested by Brown at col.2, ln.10-13.

Art Unit: 2618

10. Claims 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US Patent No.: 6,480,581, hereinafter, "Wu") in view of Smith et al. (U.S. Patent No.: 6,480,581, hereinafter, "Smith") as applied to claim 25 above, and further in view of Brown (US Patent No.: 5,822,406).

Regarding claims 39-40, Wu and Smith, in combination, fails to teach the first output device is a speaker and the second output device is a headset. However, Brown teaches (see figure 2, 3, 14, SPK/HS\*, relay 216, speaker 220, headset 223, col.4, ln.21-40, col.6, ln.3-19, col.7, ln.35-52, col.11, ln.12-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Brown into view of Wu and Smith in order to select a different modes according to the personal preferences of individual users as suggested by Brown at col.2, ln.10-13.

#### ***Allowable Subject Matter***

11. Claim 36 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

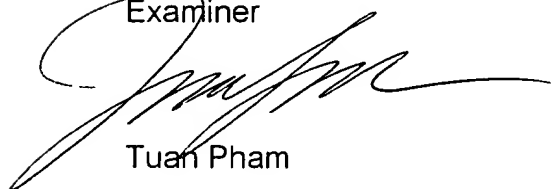
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Pham whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2618  
October 6, 2006  
Examiner



Tuan Pham

Supervisory Patent Examiner  
Technology Center 2600



Matthew Anderson